

EXHIBIT 1

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27 MPH TECHNOLOGIES OY

28 **UNITED STATES DISTRICT COURT**

1 **NORTHERN DISTRICT OF CALIFORNIA**

2 **SAN FRANCISCO DIVISION**

3 MPH TECHNOLOGIES OY,

4 Case No. 3:18-cv-05935-TLT

5 Plaintiff,

6
7 vs.
8
9 **MPH TECHNOLOGIES OY'S
10 OBJECTIONS AND RESPONSES TO
11 APPLE, INC.'S SECOND SET OF
12 REQUESTS FOR THE PRODUCTION
13 OF DOCUMENTS AND THINGS (NOS.
14 44-50)**

15 APPLE INC.,

16 Defendant.

17
18 Judge: Hon. Trina L. Thompson

19
20 In accordance with Federal Rule of Civil Procedure 34, Plaintiff MPH Technologies Oy
21 ("MPH") responds to Defendant Apple, Inc.'s ("Apple") Second Set of Requests for the Production of
22 Documents and Things (Nos. 44-50) as follows:

In producing documents and things in response to Apple's requests, MPH will rely upon the permissible scope of discovery set forth by the Federal Rules of Civil Procedure, the Local Rules, Court orders and governing case law.

Except as otherwise specified in MPH's responses to the individual requests below, MPH will endeavor to produce additional non-privileged, non-work product documents and things responsive to Apple's requests on a rolling basis. As Apple is aware, MPH has already produced many documents responsive to these requests.

Where MPH specifies in its responses to specific Requests below that it is withholding documents or things due to attorney-client privilege, work product immunity, joint or common interest privilege, or any other applicable privilege or immunity, MPH will submit to Apple a privilege log on or before sixty (60) days before the close of fact discovery. *See Dkt. 80, p. 6.*

MPH objects to Apple's definition of "Communication(s)" as including email or other forms of electronic correspondence because the parties have negotiated an ESI Stipulation (Dkt. 88) that provides that "General ESI production requests under Federal Rules of Civil Procedure 34 and 45 shall not include email or other forms of electronic correspondence (collectively 'email')."¹ MPH has lodged specific objections below on that basis where Apple apparently requested these materials, but MPH maintains the objection as to all requests intended by Apple to cover these materials.

MPH reserves the right to supplement and/or amend its responses as necessary or appropriate, as provided for in Federal Rule of Civil Procedure 26(e).

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 44:

All Documents Related to shareholders of MPH, including any Communications with shareholders of MPH and each shareholder's financial interest in MPH.

RESPONSE:

MPH objects to this request as seeking documents that are protected by the attorney-client privilege, work product immunity, joint or common interest privilege, or any other applicable privilege or immunity. MPH objects to Apple's definition of "Related to" as vague and ambiguous, overly broad, unduly burdensome, and seeking irrelevant information not proportional to the needs of the case. MPH

1 objects to Apple's definition of "MPH" as overly broad, unduly burdensome, and seeking irrelevant
 2 information not proportional to the needs of the case to the extent it includes any entities other than
 3 MPH Technologies Oy. MPH objects to this request as seeking documents that are not relevant and not
 4 bearing on any issue, claim or defense in this case, including "Documents Related to ... each
 5 shareholder's financial interest in MPH." MPH further objects to this request as overly broad and not
 6 proportional to the needs of the case in that "*All Documents Related to shareholders of MPH*" are not
 7 clearly defined and not relevant to the claims and defenses in this case. MPH also objects to this request
 8 as overly broad, unduly burdensome, and seeking irrelevant information not proportional to the needs
 9 of the case because it is unlimited in time. MPH objects to this request as unreasonably cumulative or
 10 duplicative of Apple's Request Nos. 7 and 11. MPH objects to Apple's definition of "Communications"
 11 as including email or other forms of electronic correspondence because the parties have negotiated an
 12 ESI Stipulation (Dkt. 88) that provides that "General ESI production requests under Federal Rules of
 13 Civil Procedure 34 and 45 shall not include email or other forms of electronic correspondence
 14 (collectively 'email')."

15 Subject to and without waiving its objections, MPH will not produce documents responsive to
 16 this request as written. Further answering, MPH has filed its Certification of Conflicts and Interested
 17 Entities or Persons (Dkt. 13) pursuant to Civil L.R. 3-15 and its Corporate Disclosure Statement (Dkt.
 18 13) pursuant to Federal Rule of Civil Procedure 7.1.

19 **REQUEST FOR PRODUCTION NO. 45:**

20 All Documents Related to any Communications with any litigation funding entities (including
 21 Omni Bridgeway).

22 **RESPONSE:**

23 MPH objects to this request as seeking documents that are protected by the attorney-client
 24 privilege, work product immunity, joint or common interest privilege, or any other applicable privilege
 25 or immunity. MPH objects to Apple's definition of "Related to" as vague and ambiguous, overly broad,
 26 unduly burdensome, and seeking irrelevant information not proportional to the needs of the case. MPH
 27 further objects to this request as overly broad and not proportional to the needs of the case in that "*All*
 28 *Documents Related to any Communications with any litigation funding entities*" are not clearly defined

1 and are not relevant to the claims and defenses in this case. MPH objects to this request as unreasonably
 2 cumulative or duplicative of Apple's Request No. 15. MPH further objects to this request as overly
 3 broad, unduly burdensome, and seeking irrelevant information not proportional to the needs of the case
 4 to the extent it seeks communications between MPH and any litigation funding entities. *See, e.g., MLC*
5 Intellectual Prop., LLC v. Micron Tech., Inc., 2019 WL 118595, at *2 (N.D. Cal. Jan. 7, 2019);
6 NantWorks, LLC v. Niantic, Inc., 2022 WL 1500011, at *2 (N.D. Cal. May 12, 2022). MPH also objects
 7 to this request as overly broad, unduly burdensome, and seeking irrelevant information not proportional
 8 to the needs of the case because it is unlimited in time. MPH objects to Apple's definition of
 9 "Communications" as including email or other forms of electronic correspondence because the parties
 10 have negotiated an ESI Stipulation (Dkt. 88) that provides that "General ESI production requests under
 11 Federal Rules of Civil Procedure 34 and 45 shall not include email or other forms of electronic
 12 correspondence (collectively 'email')."

13 Subject to and without waiving its objections, MPH will not produce documents responsive to
 14 this request as written. Further answering, MPH has filed its Certification of Conflicts and Interested
 15 Entities or Persons (Dkt. 13) pursuant to Civil L.R. 3-15 and its Corporate Disclosure Statement (Dkt.
 16 13) pursuant to Federal Rule of Civil Procedure 7.1.

17 **REQUEST FOR PRODUCTION NO. 46:**

18 All Documents (including Communications) Related to any products developed or produced by
 19 Intra Secure Networks Oy, Netseal Oy, Netseal Mobility Technologies – NMT Oy, Mobility Patent
 20 Holding MPH Oy, and MPH Technologies OY, including the NetSeal RoamMate product discussed at
 21 the following URL, including the dates, locations, and circumstances of any public disclosures, sales,
 22 and uses of such products and any differences between the product and the Asserted Claims:
 23 <https://news.cision.com/netprofile/r/netseal-technologies-showcases-secureip-mobility-for-existing-and-third-generation-networks,e42234>.

25 **RESPONSE:**

26 MPH objects to this request as seeking documents that are protected by the attorney-client
 27 privilege, work product immunity, joint or common interest privilege, or any other applicable privilege
 28 or immunity. MPH objects to Apple's definition of "Related to" as vague and ambiguous, overly broad,

1 unduly burdensome, and seeking irrelevant information not proportional to the needs of the case. MPH
 2 objects to this request as seeking documents that are not relevant and not bearing on any issue, claim
 3 or defense in this case. Apple has not identified the relevance of “the NetSeal RoamMate product” to
 4 any issues in this case. For example, Apple has not identified “the NetSeal RoamMate product” in its
 5 Patent L.R. 3-3 Invalidity Contentions nor has MPH identified the product as an instrumentality that
 6 practices the claimed invention under Patent L.R. 3-1(g). MPH further objects to this request as overly
 7 broad and not proportional to the needs of the case in that “*All Documents (including Communications)*
 8 Related to *any products*” are not clearly defined and are not relevant to the claims and defenses in this
 9 case. MPH also objects to this request because it seeks opinion information that is more properly the
 10 subject of expert discovery, including whether documents show “any differences between the [NetSeal
 11 RoamMate] product and the Asserted Claims.” MPH will disclose any such analyses and opinions (if
 12 relevant) pursuant to the Federal Rules of Civil Procedure, the Local Rules, and any Court Orders,
 13 including Scheduling Orders entered by the Court. MPH also objects to this request as vague and
 14 ambiguous because the cited URL does not identify any specific version or iteration of “the NetSeal
 15 RoamMate product.” MPH also objects to this request as overly broad, unduly burdensome, and seeking
 16 irrelevant information not proportional to the needs of the case because it is unlimited in time. MPH
 17 objects to Apple’s definition of “Communications” as including email or other forms of electronic
 18 correspondence because the parties have negotiated an ESI Stipulation (Dkt. 88) that provides that
 19 “General ESI production requests under Federal Rules of Civil Procedure 34 and 45 shall not include
 20 email or other forms of electronic correspondence (collectively ‘email’).” MPH also objects to this
 21 request as seeking documents and things outside of MPH’s possession, custody, and control.

22 Subject to and without waiving its objections, MPH will produce non-privileged, non-work
 23 product, and non-email documents sufficient to show the functionalities of the NetSeal RoamMate
 24 product from prior to January 22, 2002 that are in MPH’s possession, custody, or control, and are
 25 located after a reasonable search.

26 **REQUEST FOR PRODUCTION NO. 47:**

27 All Documents (including Communications) Related to the role of Harri Yli-Kujala and each
 28 Named Inventor on each Asserted Patent in the conception, reduction to practice, research, design,

1 and/or development of the subject matter disclosed and/or claimed in the Asserted Patents, or Related
 2 to, the subject matter claimed and/or disclosed in the Asserted Patents.

3 **RESPONSE:**

4 MPH objects to this request as seeking documents that are protected by the attorney-client
 5 privilege, work product immunity, joint or common interest privilege, or any other applicable privilege
 6 or immunity. MPH objects to Apple's definition of "Related to" as vague and ambiguous, overly broad,
 7 unduly burdensome, and seeking irrelevant information not proportional to the needs of the case. MPH
 8 also objects to this request as overly broad and not proportional to the needs of the case in that "*All*
 9 *Documents ... Related to*" the role of Harri Yli-Kujala and each Named Inventor in the conception,
 10 reduction to practice, research, design, and/or development of the subject matter disclosed and/or
 11 claimed in the Asserted Patents, or Related to, the subject matter claimed and/or disclosed in the
 12 Asserted Patents are not clearly defined and are not relevant to the claims and defenses in this case.
 13 MPH also objects to this request as overly broad, unduly burdensome, and seeking irrelevant
 14 information not proportional to the needs of the case because it is unlimited in time. MPH objects to
 15 this request as unreasonably cumulative or duplicative of Apple's Request No. 27. MPH objects to
 16 Apple's definition of "Communications" as including email or other forms of electronic
 17 correspondence because the parties have negotiated an ESI Stipulation (Dkt. 88) that provides that
 18 "General ESI production requests under Federal Rules of Civil Procedure 34 and 45 shall not include
 19 email or other forms of electronic correspondence (collectively 'email')." MPH also objects to this
 20 request as seeking documents and things outside of MPH's possession, custody, and control.

21 Subject to and without waiving its objections, MPH has already produced non-privileged, non-
 22 work product documents in MPH's possession, custody, or control that were located after a reasonable
 23 search in accordance with Patent Local Rule 3-2(b).

24 **REQUEST FOR PRODUCTION NO. 48:**

25 All Documents (including Communications) Related to the history and relationships of Intra
 26 Secure Networks Oy, Netseal Oy, Netseal Mobility Technologies – NMT Oy, Mobility Patent Holding
 27 MPH Oy, and MPH Technologies OY, including Documents Related to when each entity was founded
 28 and terminated and the terms (including monetary amounts) of any transfers of the Asserted Patents

1 and Related Patents among said entities.

2 **RESPONSE:**

3 MPH objects to this request as seeking documents that are protected by the attorney-client
 4 privilege, work product immunity, joint or common interest privilege, or any other applicable privilege
 5 or immunity. MPH objects to Apple's definition of "Related to" as vague and ambiguous, overly broad,
 6 unduly burdensome, and seeking irrelevant information not proportional to the needs of the case. MPH
 7 also objects to this request as overly broad and not proportional to the needs of the case in that "All
 8 Documents ... Related to the *history and relationships*" of Intra Secure Networks Oy, Netseal Oy,
 9 Netseal Mobility Technologies – NMT Oy, Mobility Patent Holding MPH Oy, and MPH Technologies
 10 OY are not clearly defined and are not relevant to the claims and defenses in this case. MPH also objects
 11 to this request as overly broad and not proportional to the needs of the case in that "Documents Related
 12 to ... any transfers of the ... Related Patents" are not clearly defined and are not relevant to the claims
 13 and defenses in this case. MPH objects to this request as unreasonably cumulative or duplicative of
 14 Apple's Request No. 21. MPH objects to Apple's definition of "Communications" as including email
 15 or other forms of electronic correspondence because the parties have negotiated an ESI Stipulation
 16 (Dkt. 88) that provides that "General ESI production requests under Federal Rules of Civil Procedure
 17 34 and 45 shall not include email or other forms of electronic correspondence (collectively 'email')."
 18 MPH also objects to this request as seeking documents and things outside of MPH's possession,
 19 custody, and control.

20 Subject to and without waiving its objections, MPH will produce non-privileged, non-work
 21 product, and non-email documents concerning when each of Intra Secure Networks Oy, Netseal Oy,
 22 Netseal Mobility Technologies – NMT Oy, Mobility Patent Holding MPH Oy, and MPH Technologies
 23 OY was founded and/or terminated that are in MPH's possession, custody, or control, and are located
 24 after a reasonable search, to the extent MPH has not done so already. MPH has already produced copies
 25 of the assignments for the Asserted Patents and the agreement for the transfer of the Asserted Patents
 26 to MPH.

27 **REQUEST FOR PRODUCTION NO. 49:**

28 All Documents (including Communications) Related to the following statement made in

1 Paragraph 21 of MPH's Complaint (Dkt. No. 1): "MPH has continued its business of developing and
 2 licensing network mobility and security technologies developed by Netseal. MPH's patented
 3 technologies have been adopted and utilized by mobile and secure communications industries. A
 4 number of these patented technologies have been adopted by these industries and incorporated into
 5 their product lines as standard or 'default' features."

6 **RESPONSE:**

7 MPH objects to this request as seeking documents that are protected by the attorney-client
 8 privilege, work product immunity, joint or common interest privilege, or any other applicable privilege
 9 or immunity. MPH objects to Apple's definition of "Related to" as vague and ambiguous, overly broad,
 10 unduly burdensome, and seeking irrelevant information not proportional to the needs of the case. MPH
 11 objects to Apple's definition of "MPH" as overly broad, unduly burdensome, and seeking irrelevant
 12 information not proportional to the needs of the case to the extent it includes any entities other than
 13 MPH Technologies Oy. MPH also objects to this request as overly broad and not proportional to the
 14 needs of the case in that "*All Documents ... Related to*" the allegation quoted above are not clearly
 15 defined and are not relevant to the claims and defenses in this case. MPH also objects to this request as
 16 seeking documents that are equally available to both Apple and MPH or are in the possession of Apple
 17 and/or third parties. MPH objects to Apple's definition of "Communications" as including email or
 18 other forms of electronic correspondence because the parties have negotiated an ESI Stipulation (Dkt.
 19 88) that provides that "General ESI production requests under Federal Rules of Civil Procedure 34 and
 20 45 shall not include email or other forms of electronic correspondence (collectively 'email')."

21 Subject to and without waiving its objections, MPH will produce non-privileged, non-work
 22 product, and non-email documents to support its contention in paragraph 21 of its Complaint (Dkt. 1)
 23 that are in MPH's possession, custody, or control, and are located after a reasonable search, to the extent
 24 MPH has not done so already.

25 **REQUEST FOR PRODUCTION NO. 50:**

26 All Documents that support or undermine MPH's contention that any license identified in
 27 MPH's response to Apple's May 1, 2023 Interrogatory No. 4 is not comparable to a license to which
 28 MPH and Apple would have agreed in a hypothetical negotiation.

1 **RESPONSE:**

2 MPH objects to this request as seeking documents that are protected by the attorney-client
3 privilege, work product immunity, joint or common interest privilege, or any other applicable privilege
4 or immunity. MPH objects to Apple's definition of "MPH" as overly broad, unduly burdensome, and
5 seeking irrelevant information not proportional to the needs of the case to the extent it includes any
6 entities other than MPH Technologies Oy. MPH also objects to this request as overly broad and not
7 proportional to the needs of the case in that "*All Documents that support or undermine MPH's*
8 *contention*" are not clearly defined and are not relevant to the claims and defenses in this case,
9 particularly to the extent such documents were not relied upon. MPH also objects to this request because
10 it seeks opinion information that is more properly the subject of expert discovery, including whether
11 documents "support or undermine MPH's contention that any license ... is not comparable." MPH will
12 disclose any such analyses and opinions (if relevant) pursuant to the Federal Rules of Civil Procedure,
13 the Local Rules, and any Court Orders, including Scheduling Orders entered by the Court. MPH objects
14 to this request as unreasonably cumulative or duplicative of Apple's Request Nos. 41 and 43.

15 Subject to and without waiving its objections, MPH will produce non-privileged, non-work
16 product, and non-email documents it intends to rely on for comparing any license to a license MPH and
17 Apple would have agreed to in a hypothetical negotiation that are in MPH's possession, custody, or
18 control, and are located after a reasonable search, to the extent MPH has not done so already.

1 Dated: April 10, 2024

2 Respectfully submitted,

3 /s/ Dragan Gjorgiev

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25 Attorneys for Plaintiff

26 MPH TECHNOLOGIES OY

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 10, 2024 the foregoing:

MPH TECHNOLOGIES OY'S OBJECTIONS AND RESPONSES

TO APPLE, INC.'S SECOND SET OF REQUESTS FOR THE PRODUCTION

OF DOCUMENTS AND THINGS (NOS. 44-50)

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